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State of Minnesota  
**HOUSE OF REPRESENTATIVES**

**EIGHTY-SIXTH  
SESSION**

**HOUSE FILE No. 1043**

February 23, 2009

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The bill was read for the first time and referred to the Committee on Public Safety Policy and Oversight

1.1 A bill for an act  
1.2 relating to public safety; addressing the consideration of a job applicant's criminal  
1.3 history during the public employment hiring process; proposing coding for new  
1.4 law in Minnesota Statutes, chapter 364.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. **[364.021] PUBLIC EMPLOYMENT; CONSIDERATION OF**  
1.7 **CRIMINAL RECORDS.**

1.8 (a) A public employer may not inquire into or consider the criminal record or  
1.9 criminal history of an applicant for public employment until the employer has offered  
1.10 the prospective employee a conditional offer of employment. This offer may then be  
1.11 withdrawn based on the prospective employee's criminal record or history if doing so is  
1.12 not inconsistent with other provisions of this chapter.

1.13 (b) This section does not apply to public employers who have a statutory duty to  
1.14 conduct a criminal history background check or otherwise take into consideration a  
1.15 potential employee's criminal history during the hiring process.